



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

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BUREAU OF CORRECTIVE ACTIONS CERTIFICATION PROGRAM STANDARDS OF PRACTICE

CLARIFICATION CERT-07-03 CEM RESPONSIBILITY FOR SERVICES

This document provides the NDEP Bureau of Corrective Actions Certification Program regulatory clarification for Standards of Practice for Certified Environmental Manager (CEM) to exercise adequate responsibility for services provided.

This clarification applies to all services that are required to be performed by a CEM, as described in NAC 459.9704 and 459.9719, related to planning, execution and reporting of site assessment, interim abatement, and corrective action services. This includes, but is not limited to, services provided as part of: ASTM Phase I and Phase II environmental site assessment reports, groundwater monitoring reports, site investigation work plans, site investigation reports, interim abatement work plans, interim abatement reports, corrective action plans, and corrective action reports.

NAC 459.9729 requires that CEM's provide services that are ethical, meet the current standards of the profession and that comply with federal, state and local regulations concerning hazardous substances and remediation. The NDEP has determined that, in order to meet these Standards of Practice, a CEM must actively oversee projects and have control over the work being performed.

NAC 459.97285 requires that CEM's provide a written statement that certifies they are responsible for the services provided and that the services have been provided in a manner consistent with the current standards of the profession and to the best of their knowledge, comply with all federal, state, and local statutes regulations and ordinances. In order for a CEM to provide the certification in NAC 459.97285, **which is required for submittal of work to the NDEP**, the CEM must be active in project oversight and have control over operations at the job site.

In determining whether a CEM has exercised adequate responsibility for work that they are required to certify, the NDEP will conduct an evaluation to consider the following factors and circumstances:

1. Written approval of work plans by the CEM prior to execution of field work.
2. CEM's on-site presence during the planning and execution of field work.
3. CEM's prior experience directly overseeing similar field work performed by the individuals who conducted the field work on this specific project.
4. Specific responsibilities of the CEM as described in the contract between the facility owner or operator and the CEM.

NDEP will send information requests to the CEM as provided by NAC 459.9729(i) and other parties to collect information needed to perform this evaluation.

Based on this evaluation, NDEP will determine whether adequate responsibility has been exercised by the CEM and whether the individual certification should be suspended, revoked, or denied for renewal (NAC 459.9729.2).

This clarification is effective **June 12, 2007** and is in effect until superseded by a subsequent clarification.